

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Jeffrey J. Libecco
Sherrie J. Libecco**
Debtor(s)

Bankruptcy Case No.: 16-22460-JAD
Issued Per Sep. 29, 2016 Proceeding
Chapter: 13
Docket No.: 29 - 12
Concil. Conf.: January 19, 2017 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 15, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 19, 2017 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Toyota Motor Credit at Claim No. 14 .
- ☒ H. Additional Terms: The claim of Butler County Tax Claim Bureau is payable at 9 percent interest.
Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 3, 2016

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jeffrey J. Libecco
 Sherrie J. Libecco
 Debtors

Case No. 16-22460-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 41

Date Rcvd: Oct 03, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 05, 2016.
 db/jdb

cr +Jeffrey J. Libecco, Sherrie J. Libecco, 111 Cameron Square Drive,
 Evans City, PA 16033-4725
 +Peoples Natural Gas Company LLC, 225 North Shore Drive, Attention: Barbara Rodgers,
 Pittsburgh, PA 15212-5860
 14276890 +ACE CASH EXPRESS, WILLIAMSON AND BROWN, LLC, 4691 CLIFTON PKWY, HAMBURG, NY 14075-3201
 14254377 +Armstrong, 437 North Main Street, Butler, PA 16001-4358
 14257621 +Berkheimer Assoc-Agt Seneca ValleySD-CranberryTwp, c/o David R. Gordon, Esq.,
 1883 Jory Road, Pen Argyl, PA 18072
 14254378 +Berkheimer Tax Administrator, PO Box 25153, Lehigh Valley, PA 18002-5153
 14260282 +Butler County Tax Claim Bureau, County Government Center, 124 West Diamon Street, 1st Floor,
 Butler PA 16001-5780
 14254379 Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14259781 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14254380 +Comenity Bank/FLLBTY, PO Box 659728, San Antonio, TX 78265-9728
 14254381 +Comenity Bank/Zales, PO Box 659819, San Antonio, TX 78265-9119
 14254382 +Comenity Capital Bank, PO Box 183003, Columbus, OH 43218-3003
 14254383 +Connoquenessing Borough, PO Box 471, Connoquenessing, PA 16027-0471
 14254384 +Credit Protection Association, 13355 Noel Rd., Ste. 2100, Dallas, TX 75240-6837
 14254385 +First Premier, 3820 N. Louise Ave., Sioux Falls, SD 57107-0145
 14254386 +First Premier Bank, PO Box 5529, Sioux Falls, SD 57117-5529
 14254389 +Ginny's, 1112 7th Avenue, Monroe, WI 53566-1364
 14280429 +Ginny's, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14260281 +Northwest Consumer Discount Company, PO Box 789, Butler PA 16003-0789
 14254392 +Pennsylvania American Water, PO Box 371412, Pittsburgh, PA 15250-7412
 14254393 +Peoples Gas, PO Box 747105, Pittsburgh, PA 15274-7105
 14254394 +SYNCB/Wal-Mart, PO Box 9530927, Atlanta, GA 30353
 14282058 +Seventh Avenue, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14254396 +Target Card Services, PO Box 660170, Dallas, TX 75266-0170
 14254397 +Toyota Financial Services, PO Box 4102, Carol Stream, IL 60197-4102
 14284075 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

E-mail/PDF: rmscedi@recoverycorp.com Oct 04 2016 04:48:22
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14263235 E-mail/Text: ally@ebn.phinsolutions.com Oct 04 2016 05:07:57 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 14254376 +E-mail/Text: ally@ebn.phinsolutions.com Oct 04 2016 05:07:57 Ally Financial,
 PO Box 380902, Minneapolis, MN 55438-0902
 14268698 +E-mail/Text: csc.bankruptcy@amwater.com Oct 04 2016 05:09:03 American Water, PO Box 578,
 Alton, IL 62002-0578
 14254387 E-mail/Text: chagan@franklinamerican.com Oct 04 2016 05:09:01
 Franklin American Mortgage Company, 501 Corporate Center Drive, Suite 400,
 Franklin, TN 37067
 14254388 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 04 2016 05:08:53 Gettington,
 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
 14254390 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 04 2016 05:08:02 Kohls/Capital One,
 PO Box 3115, Milwaukee, WI 53201-3115
 14254391 +E-mail/Text: bankruptcy@firstenergycorp.com Oct 04 2016 05:08:35 Penn Power, PO Box 16001,
 Reading, PA 19612-6001
 14273319 E-mail/Text: bnc-quantum@quantum3group.com Oct 04 2016 05:08:09
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14265082 E-mail/Text: bnc-quantum@quantum3group.com Oct 04 2016 05:08:09
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 14269080 E-mail/Text: bnc-quantum@quantum3group.com Oct 04 2016 05:08:09
 Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
 Kirkland, WA 98083-0788
 14257493 E-mail/PDF: rmscedi@recoverycorp.com Oct 04 2016 04:48:22
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 14254395 +E-mail/PDF: gecscedi@recoverycorp.com Oct 04 2016 04:48:19 Syncb/WalMart, PO Box 530927,
 Atlanta, GA 30353-0927
 14296440 +E-mail/Text: bncmail@w-legal.com Oct 04 2016 05:08:38 TD BANK USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14254398 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 04 2016 05:08:53 Webbank/Fingerhut,
 6250 Ridgewood Road, Saint Cloud, MN 56303-0820

TOTAL: 15

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 41

Date Rcvd: Oct 03, 2016

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ally Financial
cr Franklin American Mortgage Company

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 05, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 3, 2016 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,
dparanay@tuckerlaw.com;apetronchak@tuckerlaw.com;agilbert@tuckerlaw.com
Brian C. Thompson on behalf of Debtor Jeffrey J. Libecco bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;LaurenKelly@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgille
spie@thompsonattorney.com;azema@ecf.inforuptcy.com;noreply@thompsonattorney.com;mhodge@thompsonat
torney.com
Brian C. Thompson on behalf of Joint Debtor Sherrie J. Libecco bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;LaurenKelly@thompsonattorney.com;jwrzosek@thompsonattorney.com;mgille
spie@thompsonattorney.com;azema@ecf.inforuptcy.com;noreply@thompsonattorney.com;mhodge@thompsonat
torney.com
Joshua I. Goldman on behalf of Creditor Franklin American Mortgage Company
bkggroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7